

October 16, 2015

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
October 16, 2015

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Fredrick H. Bates (by telephone), Chairman; Anita M. Cummings, Susan Moylan Krey, William A. Schroeder, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris (by telephone), Assistant Executive Director; Roneta Taylor (by telephone), Illinois Department of Central Management Services; and Spenser Staton.

MOTION TO ALLOW PARTICIPATION AT MEETING BY AUDIO CONFERENCE

Executive Director Daniel Stralka advised that he had been notified in advance that Chairman Fredrick Bates was prevented from physically attending the October 16, 2015 meeting at the Commissioner's Chicago office due to employment purposes and wished to attend by audio conference.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO ALLOW CHAIRMAN BATES TO ATTEND THE MEETING BY TELEPHONE.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD ON SEPTEMBER 18, 2015

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 5-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD ON SEPTEMBER 18, 2015.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	147	18
Agriculture.....	433	20
Arts Council.....	12	2
Capitol Development Board.....	45	0
Central Management Services.....	1,428	120
Children and Family Services	2,611	46
Civil Service Commission	4	0
Commerce & Economic Opportunity	311	69
Commerce Commission.....	66	0
Corrections.....	11,693	98
Criminal Justice Authority	54	6
Deaf and Hard of Hearing Comm.....	7	1
Developmental Disabilities Council	9	1
Emergency Management Agency	78	6
Employment Security	1,207	32
Environmental Protection Agency.....	745	18
Financial & Professional Regulation	449	49
Gaming Board.....	173	6
Guardianship and Advocacy	99	8
Healthcare and Family Services	2,041	26
Historic Preservation Agency.....	158	14
Human Rights Commission	14	2
Human Rights Department.....	131	9
Human Services	13,438	76
Illinois Torture Inquiry Relief Commission	1	1
Independent Tax Tribunal.....	1	0
Insurance	255	16
Investment Board.....	3	2
Juvenile Justice	1,053	25
Labor.....	91	11
Labor Relations Board Educational	9	2
Labor Relations Board State	14	2
Law Enforcement Training & Standards Bd.	18	2
Lottery.....	137	7
Military Affairs	126	3
Natural Resources	1,366	31
Pollution Control Board.....	19	2
Prisoner Review Board	20	0
Property Tax Appeal Board.....	30	1
Public Health.....	1,179	41
Racing Board	2	1
Revenue.....	1,657	53
State Fire Marshal	126	12
State Police	1,095	10
State Police Merit Board.....	6	2
State Retirement Systems.....	104	3
Transportation	2,283	0
Veterans' Affairs.....	1,407	9
Workers' Compensation Commission	119	11
TOTALS.....	46,474	874

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported the following:

- As to Item C, the agency was seeking another continuance. The offered reason was they were waiting for additional documentation from the Governor's Office. Commissioner Krey inquired as to the number of continuances, and Executive Director Stralka indicated this would be the second. Commissioner Urlacher asked how long was this going to take the agency. Neither Executive Director Stralka nor Roneta Taylor-Central Management Services, had that information. Commissioner Cummings asked if there was some way to expedite this matter. Stralka replied that when he sends his usual email conveying the Commission's action to the agency, he could indicate that there would not be another granted. It was the consensus of the Commissioners to proceed in this manner.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0, TO CONTINUE THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

C: Director-Targeted Violence Prevention Program (Criminal Justice Information Authority)

The following 4d(3) exemption request was continued to November 20, 2015 on October 16, 2015:

C. Illinois Criminal Justice Information Authority

Position Number	40070-50-05-700-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Targeted Violence Prevention Program
Functional Title	Director-Targeted Violence Prevention program
Incumbent	Vacant
Supervisor	Executive Director
Location	Cook County

VI. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

B. None submitted

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

BATES	YES	CUMMINGS	YES
KREY	YES	SCHROEDER	YES
URLACHER	YES		

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VIII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:20 a.m.

PRESENT

Fredrick H. Bates (by telephone), Chairman; Anita M. Cummings, Susan Moylan Krey, William A. Schroeder, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris (by telephone), Assistant Executive Director; and Spenser Staton.

IX. NON-MERIT APPOINTMENT REPORT

Executive Director Stralka indicated he had a brief meeting with Central Management Services over ways to improve the reliability of the data that makes up this report and would follow through before the next meeting.

Set forth below is the number of consecutive non-merit appointments made by each department as reported by Central Management Services:

Agency	8/31/15	9/30/15	9/30/14
Agriculture	6	6	0
Arts Council	1	1	0
Central Management Services	4	3	0
Children and Family Services	2	1	0
Employment Security	1	1	0
Healthcare and Family Services	5	4	0
Historic Preservation Agency	3	3	1
Human Services	7	12	4
Insurance	1	1	0
Natural Resources	43	40	8
Public Health	1	1	0
Revenue	6	6	0
State Retirement Systems	5	3	0
Transportation	2	2	0
Workers' Compensation Commission	1	2	0
Totals	88	86	13

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X. INTERLOCUTORY APPEAL

DA-9-16

Employee	Rasand D. Hall	Appeal Date	8/27/15
Agency	Corrections	Decision Date	9/28/15
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Motion to Dismiss for default (failure to appear at scheduled hearing date)	Proposal for Decision	Grant the Motion to Dismiss subject to approval of the Commission; default.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL FOR DEFAULT.

BATES	YES	CUMMINGS	YES
KREY	YES	SCHROEDER	YES
URLACHER	YES		

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-36-15

Employee	Brandon D. Arnold	Appeal Date	03/05/15
Agency	Employment Security	Decision Date	10/01/15
Appeal Type	Discharge	Proposal for Decision	Uphold discharge.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED OCTOBER 1, 2015.

BATES	YES	CUMMINGS	YES
KREY	YES	SCHROEDER	YES
URLACHER	YES		

GT-2-16

Employee	Spenser A. Staton	Appeal Date	07/16/15
Agency	Central Mgmt. Services	Decision Date	10/01/15
Appeal Type	Geographical Transfer	Proposal for Decision	No violation.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER SCHROEDER, AND BY ROLL CALL VOTE OF 3-2 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT NO VIOLATION OF THE PERSONNEL CODE OR PERSONNEL RULES HAS BEEN PROVEN. THE GEOGRAPHICAL TRANSFER EFFECTIVE JULY 1, 2015 IS AFFIRMED AND UPHELD.

**BATES NO CUMMINGS NO
KREY YES SCHROEDER YES
URLACHER YES**

XII. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

DA-13-16

Employee	Emmie Vega	Appeal Date	9/18/15
Agency	Human Services	Decision Date	9/29/15
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEAL.

**BATES YES CUMMINGS YES
KREY YES SCHROEDER YES
URLACHER YES**

XIII. CHAIRMAN REPORT

Chairman Bates advised the Commissioners of the progress he made with regard to the agency polo shirts and informed them of the purchasing process.

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XIV. STAFF REPORT

Assistant Executive Director Andrew Barris reported that Representative Jack Franks filed HB4300 which is a lengthy bill that would, among other things, eliminate the salaries and travel reimbursements for members of the Civil Service Commission as well as many other State Boards and Commissions. It has been referred to the Rules Committee. He will continue to follow up on the bill's progress.

Executive Director Stralka reported that:

- The SECA contribution deadline is November 18, 2015.
- The Governor's Office Demographic Surveys were due today.
- An outreach letter was sent to all members of the General Assembly on October 9, 2015. A copy was given to each Commissioner.
- Next month's agenda will have a new item. The Personnel Code provides that the Commission has 30 days from submission to disapprove any amendments to the Personnel Rules. This is similar to the language that addresses revisions to the Class Specifications. However, while there is a disapproval motion for revisions to Class Specifications that are submitted but not yet studied to be considered by the Commission no such motion occurs for amendments to the Personnel Rules. To ensure any submitted amendments are considered by the Commission, a disapproval motion for amendments to Personnel Rules will be added to each agenda.

XV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held on Friday, November 20, 2015 at 11:00 a.m. in the Commission's Chicago office.

After announcement of the next meeting, Commissioner Schroeder indicated he was under the impression that the November meeting would be in Springfield. Executive Director Stralka noted that it was the November 2016 meeting that was changed to Springfield, not the coming month's meeting. Additional discussion as to the location for next month's meeting took place in which all Commissioners participated.

XVI. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER SCHROEDER, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:30 A.M.